IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 3222 of 2005

TATA TELESERVICES LIMITED
V/S
JAGDISH KUMAR SEVAG & ORS.

Mr. VINIT KUMAR MATHUR, for the appellant / petitioner

Mr. VINAY JAIN, for the respondent

Date of Order : 26.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties, perused the impugned orders.

It is contended by learned counsel for the petitioner that the generator now installed is a smokeless silent generator of new technology, which neither creates any noise, nor creates any vibrations. Learned counsel made available for perusal of the Court the photographs, which were shown to learned counsel for the respondent also. The impugned order has been passed on the basis that the generator earlier installed was creating noise pollution exceeding 16.4 decibel. In my view, in view of the fact that new silent and smokeless generator has been installed, no injunction is required to be granted against the petitioner as prayed by the plaintiff.

Accordingly, the writ petition is disposed of. The impugned orders are set aside and the application for

temporary injunction is dismissed with the clarification that in case the petitioner changes the generator from silent one to the traditional one, it will be open to the plaintiff to apply the Court again. The learned trial Court is directed to decide the suit most expeditiously.

(N P GUPTA),J.

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